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REVIEW OF LEGISLATIVE ACTIVITY DURING
THE 100TH CONGRESS

REPORT

OF THE

COMMITTEE ON RULES AND
ADMINISTRATION

UNITED STATES SENATE

DURING THE

ONE HUNDREDTH CONGRESS

(1987-88)

PURSUANT TO PARAGRAPH 8(b) OF RULE XXVI OF THE STANDING
RULES OF THE SENATE



APRIL 4 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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(100th Congress)

COMMITTEE ON RULES AND ADMINISTRATION

WENDELL H. FORD, Kentucky, *Chairman*

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CHRISTOPHER J. DODD, Connecticut	E.J. (JAKE) GARN, Utah
BROCK ADAMS, Washington	

(101st Congress)

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(II)

FOREWORD

This report reviewing the legislative activity during the 100th Congress of the Committee on Rules and Administration is submitted pursuant to paragraph 8(b) of Rule XXVI of the Standing Rules of the Senate. Paragraph 8 provides that standing committees of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts thereof, the subject matter of which is within their jurisdiction, and submit to the Senate, not later than March 31* of each odd-numbered year, a report detailing the activities of that committee for the preceding Congress. The text of paragraph 8 of rule XXVI is as follows:

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) If each odd-numbered year, each such committee shall submit, not later than March 31,* to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

WENDELL H. FORD,
Chairman.

* By unanimous consent the Senate, on March 17, 1989, extended the date for the filing of legislative reports to April 4, 1989.

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REVIEW OF LEGISLATIVE ACTIVITY DURING THE 100TH CONGRESS

APRIL 4 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. FORD, from the Committee on Rules and Administration,
submitted the following

REPORT

[Pursuant to paragraph 8(b) of Rule XXVI of the Standing Rules of the Senate]

JURISDICTION OF THE COMMITTEE ON RULES AND ADMINISTRATION

The jurisdiction of the Committee on Rules and Administration was set forth in paragraph 1 of Rule XXV of the Standing Rules of the Senate. Excerpts from such paragraph are as follows:

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(n)(1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.

2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

3. Corrupt practices.

4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.

5. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

6. The Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI.

7. Meetings of the Congress and attendance of Members.

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

9. Presidential succession.

10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

12. Services to the Senate, including the Senate restaurant.

13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(2) Such committee shall also—

(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

* * * * *

COMMITTEE LEGISLATIVE ACTIVITIES

During the 100th Congress, the Committee on rules and Administration considered a total of 226 legislative measures, of which 67 were reported to the Senate. That total included 157 simple Senate resolutions (43 reported, of which 39 were agreed to), 21 Senate and House concurrent resolutions (10 reported, of which 9 were agreed to by both the House and Senate), and 48 Senate and House bills and joint resolutions (14 reported, of which 5 were enacted into public law).

LEGISLATION ENACTED

The following is a list of the bills and joint resolutions considered by the Committee during the 100th Congress which ultimately became public law:

- S. 1020, to create the office of Librarian of Congress Emeritus (Public Law 100-83)
- S. 1532, relating to payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate (Public Law 100-123)
- S. 1574, to combine the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account into a combined single account to be known as the Senators' Official Personnel and Office Expense Account (Public Law 100-137)
- H.R. 2249, to change the title of employees designated by the Librarian of Congress for police duty to make their rank structure and pay the same as for Capitol Police (Public Law 100-135)
- H.J. Res. 309, to establish the Speaker's Civic Achievement Awards Program, to be administered under the Librarian of Congress to recognize achievement in civic literacy by students, classes, and schools throughout the nation in grades 5 through 8 (Public Law 100-158)

BILLS REPORTED BY THE COMMITTEE BUT NOT ENACTED

- H.R. 60, to permit the Architect of the Capitol, under the direction of the Joint Committee on the Library, to accept gifts of money for the purchase of works of fine art for the Capitol (S. Rept. 100-170)
- S. 2, the "Senatorial Election Campaign Act of 1987", to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes (S. Rept. 100-58)
- S. 182, the "Uniform Poll Closing Act of 1988", to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections (S. Rept. 100-497)
- S. 322, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia (S. Rept. 100-168)
- S. 1140, to authorize appropriations for the Federal Election Commission for fiscal year 1988 (S. Rept. 100-52)
- S. 1722, the "National American Indian Museum and Memorial Act", to authorize the establishment of the National Museum of the American Indian, Heye Foundation with the Smithsonian Institution, and to establish a Memorial to the American Indian (Reported jointly with the Select Committee on Indian Affairs) (S. Rept. 100-494)
- S. 1786, the "Regional Presidential Primaries and Caucuses Act of 1988", to establish a series of five Presidential primaries at which the public may express its preference for the nomina-

tion of an individual for election to the office of the President of the United States (S. Rept. 100-540)

S. 1790, to authorize the expansion of the National Air and Space Museum at Washington Dulles International Airport (S. Rept. 100-332)

S. 2302, to authorize appropriations for the Federal Election Commission for fiscal year 1989 (S. Rept. 100-319)

COMMITTEE MEETINGS AND HEARINGS

January 15, 1987—To adopt rules of procedure, select members for the Joint Committee on Printing and the Joint Committee on the Library

January 20 and 21, 1987—To consider Senate Committees' funding authorizations for 1987

January 22, 1987—To mark up Senate Committees' funding authorizations

March 5 and 18, 1987—To consider congressional election campaign finance reform proposals (S. Hrg. 10-127)

March 18, 1987—To mark up a bill authorizing use of the Rotunda for ceremonies in remembrance of the Holocaust

April 1, 1987—To consider pending administrative business, including office automation, Recording Studio development, and other matters

April 22, 1987—To consider the Federal Election Commission's FY 1988 budget authorization request

April 22 and 23, 1987—To continue consideration of congressional election campaign finance reform proposals (S. Hrg. 100-127)

April 29, 1987—To mark up S. 2, the Senatorial Election Campaign Act of 1987

May 7, 1987—To consider pending legislative business, including supplemental committee funding requests, a printing resolution, creation of the office of Librarian of Congress Emeritus, and the Special Olympics Torch Relay

May 28, 1987—To consider pending business, including a supplemental funding request of the Committee on Agriculture, Nutrition, and Forestry, the purchase of wall calendars, and proposals to replace the Senate subway system

July 14, 1987—To receive testimony on the nomination of James H. Billington to be Librarian of Congress (S. Hrg. 100-808)

July 15, 1987—To receive testimony on the nominations for reappointment of Lee Ann Elliott and Danny Lee McDonald to be Members of the Federal Election Commission for terms expiring April 30, 1993

July 23, 1987—To consider the nominations of James H. Billington to be Librarian of Congress, and Lee Ann Elliott and Danny Lee McDonald to be Members of the Federal Election Commission; and to consider pending legislative and administrative business

September 23, 1987—To consider authorizing acceptance of gifts for the Capitol Buildings Art Collection; establishing the Speaker's Civic Achievement Awards Program; designating certain employees of the Librarian of Congress as police; authorizing a memorial to Martin Luther King, Jr.; expenditures by the

- Select Committee on Intelligence; and pending administrative business
- October 21, 1987—To consider the feasibility of providing captioning for the hearing impaired of television broadcasts from the Senate Chamber, and to consider pending administrative business (S. Hrg. 100-336)
- November 12 and 18, 1987—To receive testimony, jointly with the Select Committee on Indian Affairs, on the establishment of the National Museum of the American Indian, Heye Foundation, within the Smithsonian Institution, to establish a Memorial to the American Indian, and for other purposes (S. Hrg. 100-547)
- November 17, 1987—To consider pending legislative and administrative business
- December 2, 1987—To consider proposals to amend the Standing Rules of the Senate
- February 2-4, 1988—To consider Senate committees' funding authorizations for 1988
- February 17, 1988—To consider pending legislative and administrative business, including markup of Senate committees' funding authorizations for 1988
- March 24, 1988—To receive testimony on the FY 1989 budget authorization for the Federal Election Commission, and on a bill to facilitate the convening of a Silver Haired Congress
- March 30, 1988—To receive testimony on a bill to establish national standards for voters registration for Federal elections, and for other purposes
- April 19 and 21, 1988—To mark up the FEC authorization for FY 1989; Silver Haired Congress; American Indian Museum; Special Olympics Torch; other pending business
- May 12, 1988—To continue testimony on a bill to establish national standards for voter registration for elections for Federal office
- May 12, 1988—To receive testimony on proposals to amend title 2, U.S. Code, and the Uniform Time Act of 1977, to establish a single poll closing time in the continental United States for Presidential general elections
- May 17, 1988—To receive testimony on a proposal to amend Standing Rule XXV of the Senate to improve legislative efficiency, and a bill to provide separate enrollment of each title of any measure making continuing appropriations
- June 7, 1988—To receive testimony on a proposal to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States
- August 3, 1988—To mark up a bill to establish a uniform poll closing time, a bill to establish regional Presidential primaries, and to consider pending administrative business, including procedures for making broadcast tapes of Senate proceedings available to the public and for management of expenditures for Senate official mail during FY 1989
- August 4, 1988—To receive testimony on a proposal to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia

September 20, 1988—To present for Committee consideration the Report on Senate Operations and, pursuant to instructions by the Senate, the Report on Impeachment Proceedings; to mark up S. 1766 and a supplemental funding resolution for Indian Affairs; and to consider regulations for Senatorial suite selection

ORGANIZATION AND OPERATION OF THE SENATE

Committee Report

The Committee on Rules and Administration has a continuing responsibility under Standing Rule XXV to study and report to the Senate on the organization and operation of that body. Pursuant to that responsibility, during the 100th Congress the Committee received testimony and conducted research on ways to improve the effectiveness and efficiency of Senate operations. This effort culminated in its "Report on Senate Operations 1988". The written and oral testimony focused primarily on three areas: 1) the need to use Member's time more efficiently; 2) the need for better scheduling of business on the Senate floor; and 3) the frustration often resulting from the authorization/budget/appropriation process.

The Report addressed those proposals which the Committee believed deserved serious consideration by the Senate. Some of these proposals were amendments to the Standing Rules of the Senate which were introduced, referred to, and considered by the Rules Committee. Others were recommendations of previous studies, including the work of the Culver Commission (1976), the Stevenson Report (1977), the Pearson-Ribicoff Study (1983), and the Quayle Committee Report (1984). The proposals were:

1. Agreeing on an annual agenda of legislative issues, as recommended by the Pearson-Ribicoff Study Group.
2. Revitalizing the Senate's Morning Hour procedures, and developing more formalized procedures for disposing of measures on which there is little or no disagreement, again as proposed in the Pearson-Ribicoff report.
3. Imposing a time limit, or prohibiting all debate, on motions to proceed to consider measures.
4. Enabling the Senate to vote, by an extraordinary majority, that amendments to a pending measure must be germane.
5. Strengthening existing requirements for germane amendments, by permitting the Senate to overturn rulings of the Presiding Officer on germaneness only by extraordinary majorities, and by limiting the use of "the defense of germaneness" to protect amendments to appropriations measures.
6. Requiring Senators to offer their floor amendments in a more orderly and predictable sequence.
7. Limiting "sense of the Senate" and "sense of Congress" amendments, either by requiring that any such amendment be signed by 20 or more Senators before being considered or by imposing a more restrictive germaneness standard for such amendments.
8. Permitting subcommittees only to hold hearings, and mandating that markups be conducted at the full committee level.

9. Addressing schedule conflicts between committee activities and floor sessions—for example, by authorizing committees to meet either from 9:00 to 2:00 or from 12:00 to 5:00 on each day the Senate is in session, without having to obtain unanimous consent on the floor.

No specific proposal was offered regarding the funding process. The Person-Ribicoff report recommended moving toward implementation of biennial budgeting and the Committee agreed that this proposal should be seriously considered.

The Committee's Report also recommended the enhancement of computer capabilities in order to give Members immediate access to information necessary to decision making and to improve service to constituents.

The report was considered by the Committee at its meeting on September 20, 1988, and approved by a vote of 9 to 0 for submission to the Senate.

Proposed Changes to the Senate Standing Rules

The following proposals to amend the Standing Rules were considered in the 100th Congress by the Committee:

- *S. Res. 41* proposed that on each day the Senate considers a measure, there could be two motions, each debatable for one hour, to require that all non-committee amendments be germane upon a vote of a three-fifth majority—an alternative to cloture. The same extraordinary majority would be required to overturn the Chair's ruling;
- *S. Res. 42* proposed the enforcement of paragraph 4 of Rule 16 (germaneness on appropriations bills);
- *S. Res. 43* proposed that a three-fifths majority would be necessary to overturn the threshold ruling of the Chair on germaneness that is required to invoke cloture;
- *S. Res. 274* proposed a requirement of 20 cosponsors for "Sense of the Senate" resolutions or amendments;
- *S. Res. 276* proposed a strict 15-minute limit on votes in the Senate;
- *S. Res. 277* proposed that the consideration of a measure be in an orderly and predictable sequence;
- *S. Res. 309* proposed a two-hour limitation on each motion to proceed made by the Majority or Minority Leader; and
- *S. Res. 479* proposed to authorize the Committee on Rules and Administration (a) to have the option to direct committees to report either a one year budget authorization or, in the first session of a Congress, a two year budget authorization resolution; and (b) to report an "omnibus funding resolution" containing all committee authorizations. This original resolution to amend Rule XXVI was reported from the Committee on September 22, 1988 (S. Report 100-541) and agreed to in the Senate without amendment on September 30, 1988.

Standing Committees

S. Res. 260, introduced by Senators Kassebaum and Inouye, was the subject of a Committee hearing on May 17, 1988. This measure would have redesignated the standing committees and established a leadership committee, the Committee on National Priorities, to

be made up of all the committee chairman and ranking members of the other committees and to have overall budget and policy responsibilities.

FEDERAL ELECTIONS LEGISLATION

Campaign Finance Reform

The high cost of running for congressional office, the time spent by candidates in raising money, and the role played by PACs in financing campaigns have been perceived by some Members and other observers as issues in need of examination and possible reform.

Eight legislative proposals to modify the Federal Election Campaign Act of 1971 (as amended in 1974, 1976 and 1979) were before the Committee on Rules and Administration during the First Session of the 100th Congress. The major focus was on S. 2, which was introduced on January 6, 1987, by Senators Boren, Byrd, Chiles, Kennedy, Stennis, and Sanford. That bill would have amended the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

At hearings held on March 5 and 18, and April 22 and 23, 1987, the Committee received testimony from over 30 witnesses on S. 2 and the other bills before the Committee to amend the Federal Election Campaign Act of 1971 (S. 50, S. 179, S. 207, S. 615, S. 625, Amendment No. 36 to S. 2, and S. 725). The Committee also received a number of written statements on these proposals which, with the testimony of the witnesses, are part of the hearing record of these matters (S. Hrg. 100-127).

S. 50, by Mr. Moynihan, would have provided for the public financing of Senate general election campaigns and changed certain contribution limits for elections. S. 179, by Mr. Simon, also proposed to amend the FECA to provide for the public financing of Senate general election campaigns, as did Mr. Gore's S. 207 and Mr. Mitchell's S. 725. S. 615, sponsored by Mr. Helms, would have prohibited the use of compulsory union dues for political purposes. Mr. Domenici's bill, S. 625, would have limited candidate expenditures of personal funds. The purpose of Amendment No. 36 to S. 2, proposed by Mr. Pell, was to better inform the electorate by providing for free political broadcast time.

On April 29, 1987, the Committee held a markup session on S. 2 and by unanimous consent adopted an amendment in the nature of a substitute offered by Chairman Wendell H. Ford, with the understanding that it be considered original text for the purpose of offering amendments. An amendment to the amended bill was rejected, and the Committee voted (8-3) to report S. 2, as amended, and recommended passage of the bill by the Senate (S. Rept. 100-58, together with minority and additional views).

As reported, the measure would have established a voluntary system of spending limits tied to partial public financing for candidates to the United States Senate in general elections; limited contributions by multicandidate political committees and separate segregated funds to candidates and party committees; extended and

improved reporting and disclosure requirements; and improved other provisions of the Federal Election Campaign Act of 1971. The bill met strong opposition (due to its public funding and spending limits provisions) when it was brought up for consideration on the floor on June 3, 1987, and after a total of eight unsuccessful cloture votes (the first one on June 9, 1987, and the eighth on February 26, 1988), debate on this legislation was ended.

Presidential Primaries

The system for selecting candidates for the office of President of the United States has long been the subject of reform proposals aimed at standardizing and simplifying the process. Two bills introduced in the Senate and referred to the Committee on Rules and Administration, S. 1786, by Mr. Dixon, and S. 2319, by Mr. Packwood, proposed regional primaries as the system by which Presidential candidates are nominated.

S. 1786, the Regional Presidential Primaries and Caucuses Act of 1988, proposed to establish a series of Presidential primaries in order to provide more order to the process by which Presidential candidates are selected by each party and to assure that no state has inordinate influence in the process. It assigned each state to a region for the purpose of conducting Presidential primaries, stipulated dates for a series of regional primaries and provided for a series of lotteries to determine which region would have its primary on the next contest date.

The Committee held a hearing on this legislation on June 7, 1988. Testimony in favor of a bill establishing regional Presidential primaries was received from The Honorable Walter F. Mondale, former Vice President of the United States, who sponsored a similar bill during the 94th Congress; Senator Dixon, the sponsor; Senator Breaux, a co-sponsor of the bill; and Senator Packwood. Representative Charles Bennett, the sponsor of a similar bill in the House, also testified.

The witnesses generally agreed on the need to provide some organization to the system for nominating Presidential candidates and observed that the present system is the product of laws and rules made by each of the states and by the parties without regard to their overall impact on the system or the candidates. Their proposals generally involved some form of regional primary plan similar to the original bill and the amendment in the nature of a substitute offered by the Chairman and reported favorably by the Committee on September 22, 1988 (S. Rept. 100-540). The Committee submitted a simple plan based on five regions having close to equal numbers of delegates and population and made up of contiguous states—a plan that would leave issues of voter qualification and participation to the states and parties.

The Committee considered the suggestion of Mr. Stevens that geographical distances, as well as the number of delegates, should be given consideration as a criterion for defining regions. It was noted that regions 4 and 5 covered a great number of states and vast areas and perhaps should be further divided. The Members agreed to continue reviewing the proposal to increase the number of regions and to prepare an amendment for consideration on the Senate floor, but the measure was not called up for consideration.

Uniform Poll Closing

S. 182, the Uniform Poll Closing Act of 1988, was proposed by Mr. Riegle to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections, and referred to the Committee on Rules and Administration on January 6, 1987.

The analysis by the networks through "exit polling" of a portion of the votes in the Northeast, their announcement of early projections of results, and the effect of such announcements on voter turnout, are becoming increasingly troublesome to the electoral process. Potential voters, especially in the western states, may be discouraged from going to the polls by hearing early announcements of projected winners. In the 1984 Presidential election all three of the major networks had declared President Reagan's re-election by 5:30 Pacific Standard Time, with the polls in 26 states still open.

Uniform poll closing is one solution to the problem, but the cooperation of the major networks is essential to its success. The Subcommittee on Elections of the Committee on House Administration held extensive hearings on this issue, and H.R. 435, the House version of S. 182, was passed November 10, 1987. Requests were made of ABC, CBS and NBC for a firm explicit public corporate commitment not to use exit poll data to suggest through interpretation of that data the probable winner in any State until polls in that State have closed. Each of the three networks affirmed by letter their commitment, at least through the 1988 elections, to that policy.

The Committee held a hearing on the Senate and House measures on May 12, 1988, at which Mr. Adams presided. Congressmen Swift and Thomas testified as to hearings held in the House, and officers of ABC, CBS and NBC reiterated to the Committee their commitment, as made to the House, concerning the use of exit poll data.

At a markup session of the Committee on August 3, 1988, Chairman Wendell H. Ford offered an amendment in the nature of a substitute which would have established, for Presidential general elections, the hour of 10:00 p.m., eastern standard time, as the time polls in the continental United States would close, but would have allowed those states that permit polls to close after all eligible voters have voted to continue that practice. The States of Alaska and Hawaii were exempted, although their possible inclusion in the future was discussed, and the daylight saving time provision was omitted. The amended bill was ordered reported favorably, the Committee's report was filed on August 25, 1988 (S. Rept. 100-497), but the Senate did not act on this legislation.

Voter Registration

S. 2061, the Universal Voter Registration Act of 1988, was introduced by Mr. Cranston on February 17, 1988, and referred to the Committee on Rules and Administration. This bill proposed to establish national standards for voter registration in Federal elections and also a registration confirmation system to check the accuracy of the voter rolls; it also provided for federal grants to States to establish voter registration programs. Eligible citizens in all

States would have been able to register by mail, in person in governmental agencies which serve the public directly, and on election day.

Voter turnout in this country is deplorably low. This measure is based on the assumption that such is the case because State registration procedures discourage participation, and that imposing national standards designed to make voter registration easier would increase voter turnout.

The Committee held its first hearing on this bill on March 30, 1988, and witnesses were asked to comment on three areas—the justification for imposing national registration standards and procedures, the cost of such a system, and its impact on voter turnout. The second hearing, on May 12, 1988, narrowed the area of inquiry to the question of whether the proposed changes in registration procedures would, in fact, result in an increase in voter turnout. Some witnesses testified that many States make it difficult for persons to register to vote and that making registration easier would increase the numbers who register and vote. Opponents of this legislation suggest that election day registration will lead to massive fraud and that other provisions of the measure fail to take into account local needs. They also maintain that low voter turnout is not caused primarily by registration difficulties.

No further legislation action was taken during the 100th Congress.

OVERSIGHT OF FEDERAL ELECTION COMMISSION

Federal Election Commission Nominations

The Committee conducted a hearing, on July 15, 1987, on the nominations for reappointment of Lee Ann Elliott, of Illinois, and Danny Lee McDonald, of Oklahoma, to be Members of the Federal Election Commission ("FEC") for terms expiring April 30, 1993. Both had been Members of the Commission since first receiving recess appointments on December 17, 1981, and the following year were appointed to the full six year terms that expired April 30, 1987.

After a review of comments and observations concerning the services of Mrs. Elliott and Mr. McDonald during the past six years, the Committee concluded that both met the necessary criteria to serve on the Commission. The Committee met on July 23, 1987, and recommended Senate confirmation of the two nominees. They were confirmed by the Senate the following day.

Annual FEC Authorizations

Fiscal Year 1988

At a hearing on April 22, 1987, the Committee received testimony on the Commission's fiscal year 1988 budget request. Commission witnesses explained that a 10.7% increase in their budget over the prior year's authorization and a staff increase of 13 full time positions would enable them to meet the special demands of the 1988 Presidential election year, including elections to the House and Senate, and to complete their recapture of the 1986 election data not previously computerized.

The Committee addressed the question of the Commission's pursuit of complaints of criminal activity in political campaigns. When a complaint is filed, certain procedural steps have to be taken, and the Commission agreed that in many cases it does not get the election law violation resolved either at their own agency or through the court process in a timely fashion due to the procedural requirements of the Act. It was suggested that in its deliberations on possible changes in the election law, the Committee might deal with this area.

The Committee met on April 29, 1987, and by unanimous vote ordered reported an original bill, S. 1140, authorizing \$14,174,000 for the FEC for fiscal year 1988 (S. Rept. 100-52). The full Senate did not act on this bill.

Fiscal Year 1989

At a hearing on March 24, 1988, the Committee received testimony on the Commission's fiscal year 1989 budget request. Except for the estimated one time one million dollar cost for installation of an enhanced office automation system, the request for FY 1989 was only 1.8% greater than the FY 1988 authorization. The million dollars would be earmarked for that purpose alone; unused funds would be returned to the U.S. Treasury at the close of fiscal year 1989.

A greatly increased workload was anticipated by the Commission in the 1988 election cycle. The 1988 election was to be the first since enactment of the Federal Election Campaign Act in which an incumbent President would not be running for reelection, so that the number of candidates would be significantly higher. The FEC projected that 15 to 16 candidates would receive public funds in 1988, whereas only 11 qualified in 1984. The first payout of matching funds on January 4, 1988, totalled over \$25 million, compared to less than \$7 million in 1984.

The necessity for bringing the Commission up to a higher level of automation was discussed. It should, for example, be possible to feed computer tapes of reports from candidates into the Commission's system and have automatic feedback in case of errors or omissions. The committee suggested that the FEC look into more productive state-of-the-art techniques for its automation system.

The Committee met on April 19, 1988, and by unanimous vote ordered reported an original bill, S. 2302, authorizing \$15,433,000 for the FEC for fiscal year 1989 (S. Rept. 100-319). The bill was not acted on by the full Senate.

PROCEDURE FOR THE IMPEACHMENT TRIAL IN THE UNITED STATES SENATE OF UNITED STATES DISTRICT JUDGE ALCEE L. HASTINGS

The Committee on Rules and Administration was directed by an order of the Senate to report to the Senate its advice regarding specified procedural matters in the Senate impeachment trial of United States District Judge Alcee L. Hastings. The House of Representatives had, on August 3, 1988, voted to impeach Judge Hastings, adopted articles of impeachment, and appointed the House Managers.

On August 9, 1988, the Senate received the House Managers, who presented to the Senate seventeen articles of impeachment against Judge Hastings and demanded that the Senate prepare for the impeachment trial. On that date the Senate also adopted an order directing this Committee to report to the Senate by September 23, 1988, "on (a) the authority of the Senate to continue in the next Congress proceedings on the impeachment of Judge Alcee L. Hastings; (b) the appropriate use, in the pending impeachment, of Senate Impeachment Rule XI; and (c) any other matter which may assist the Senate in a fair trial of the pending impeachment."

In preparing its report, the Committee reviewed precedents of the House of Lords, the United States Senate and the writings of authorities on the subject of impeachment in both England and the United States. In addition, the Committee requested the parties, United States District Judge Alcee L. Hastings and the House Managers, as well as the Congressional Research Service of the Library of Congress, to comment on the procedural matters. Each party was then permitted to submit additional comments in response to those made by the other, and also on particular subjects requested by the Committee.

After careful consideration of the foregoing, the Committee found, and advised the Senate, that the Senate had clear authority to continue in the next Congress proceedings on the impeachment of United States District Judge Alcee L. Hastings, and to appoint, pursuant to Rule XI of "Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials" (revised pursuant to S. Res. 479, 99th Congress, 2nd Session) a committee to perform the duties and to exercise the powers provided for in the rule. Although the Senate had authority to appoint such a committee before adjournment of the 100th Congress, the Committee recommended: that the Senate adopt a resolution to defer further proceedings in the pending impeachment to the 101st Congress; and that this Committee conduct a hearing the week of January 23, 1989, and issue a report on or about February 1, 1989, advising the Senate on the appropriate use of Senate Impeachment Rule XI and on any other matter which may assist the Senate in the fair trial of the pending impeachment.

The Committee further recommended that the Senate direct the parties in the pending impeachment:

- (i) to be prepared to proceed with the trial, whether before the Senate or a committee appointed pursuant to Senate Impeachment Rule XI, by March 1, 1989, or as soon thereafter as the Senate may order;
 - (ii) to make every effort to resolve, to the fullest extent possible, pretrial matters so as to narrow the issues and reduce the number of witnesses through, among other methods, stipulations of facts and of authenticity of documents; and
- to this end, that the Senate advise the parties that it will make the services of the Senate Legal Counsel available to mediate differences.

The Committee submitted its recommendations as summarized above to the Senate on September 22, 1988 (S. Rept. 100-542), and Chairman Wendell H. Ford reported, at the same time, S. Res. 480, to carry the impeachment proceedings against Judge Hastings over

to the 101st Congress. On September 30, 1988, S. Res. 480 was agreed to in the Senate without amendment.

ADMINISTRATION OF THE SENATE

Senate Mail

The Committee reported two resolutions, S. Res. 500 in the 99th Congress (agreed to October 8, 1986) and S. Res. 257 in the 100th Congress (never taken up by the Senate), which governed the Senate's use of the appropriation for congressional mail costs for fiscal years 1987 and 1988, respectively, covering the first and second sessions of the 100th Congress. The cost control procedures were effective in preventing Senate postage costs from exceeding one-half of the appropriation for each of the covered years, and provided a basis for the development of procedures for controlling the postage costs of both houses of Congress in the future. (In the 101st Congress, the Senate has had to repeal its self-imposed limitations because of excessive spending by the House in 1988 which reduced the amount available for Senators in 1989 to such a point that Senators could not communicate with their constituents more than once a year. The Senate will continue to press for separate appropriations for the House and the Senate so that each House may manage its mail operations more effectively.)

The Rules Committee reported (Senate Report 100-145) on the program to print pictures of missing children on Senate mail. The Committee noted that while no children had been found as a direct result of their picture being seen on a piece of Senate mail, the National Center for Missing and Exploited Children was of the opinion that such publication contributed to the overall public awareness of this problem and enhanced the effectiveness of all programs to locate missing children. At the Rules Committee's recommendation the program was reauthorized for another five years. (Metzenbaum-Roth amendment number 1327 to H.J. Res. 395, Public Law 100-202.)

Communications

The Committee took several administrative actions to improve communications in the Senate, including the following: directed the installation for the new digital telephone system procured at the end of the 99th Congress; approved the purchase of cellular telephones by Senators; approved an upgrade to the Senators' paging system to provide coverage over an area extending from Dulles to BWI airports; approved a major upgrade of the Senate Recording Studio; approved WATS Diverters in one home State office of each Senator; approved TDD telephones for each Senator for communicating with the deaf; approved use of the FaxXchange system by committees; and approved use of the Senate Voice Mail System by Senators and committees.

Senators' Official Personnel and Office Expense Account

On July 30, 1987, the Committee reported an original bill, S. 1574 (S. Rept. 100-134), which was passed by the Senate without amendment on August 6, 1987, by the House on October 8, 1987, and which became Public Law 100-137 on October 21, 1987. S. 1574 cre-

ated a new Senators' Account for Members which provides maximum flexibility in the use and administration of official appropriated funds. It combined the salary and expense accounts of Members by transferring funds available and authorized by law into a new Senators' account. The bill did not change any of the formulas or authorized limits that are the basis for computing the amount of authorized funds a Member is appropriated. It made the necessary administrative improvements that enhance the maintenance and control of office salaries and expenses.

Automation

Under the Committee's direction, the Computer Center developed an indexing system for better managing office correspondence. The Center also developed an on-line AP news wire service which is available to all Senate offices. The Committee also directed the beginning of automation for state offices and the introduction of PC's and Local Area Networks (LANS) in Washington offices.

The Committee authorized the purchase of a braille printer and software to permit the printing of letters, reports, and brochures for the visually impaired. In addition, 1,700 braille maps of the Capitol and area were provided to Senate offices.

TV Coverage of Senate Floor Proceedings

During the 99th Congress the Senate passed S. Res. 28, authorizing television and radio broadcast coverage of Senate floor proceedings on a trial basis. Section 6 of that measure prohibited the use of tape duplications of radio coverage of the floor proceedings for political purposes, and tape duplications of television coverage for any purpose outside the Senate. As a consequence, non-political uses, which were originally given as justification for televising the Senate proceedings, were prohibited. Concern over misuses in political campaigns had precluded availability of the tapes for classroom material, historical research and documentary programs.

On May 19, 1988, the Committee reported S. Res. 431, an original resolution to amend section 6 of S. Res. 28 (99th Congress) by—

- (1) treating the use of taped television coverage of the Senate proceedings in the same manner as taped radio coverage;
- (2) prohibiting the use of such tapes for political campaign purposes and requiring any person or organization that acquires them from the Senate (except public or commercial news organizations) to agree in writing not to use them for such purposes; and
- (3) allowing the use of taped television coverage of the Senate proceedings for other purposes.

The Report (S. Rept. 100-351) included additional views of Senators Stevens, Hatfield, McClure, and Warner, who supported the Committee's action to ease the restrictions on the use of the tapes but would have preferred a total elimination of restrictions. They expressed their belief that any prior restraint on the rebroadcast of such tapes might be an infringement on rights protected by the First Amendment to the Constitution.

S. Res. 431, which permitted any use other than political campaign use of the tapes, was agreed to in the Senate without amendment on June 7, 1988.

S. Res. 28 (99th Congress) had left to later Senate authorization the entire matter of the accessibility to the public of the video and audio recordings of Senate proceedings. It provided, subject to later authorization, that the recordings were to be delivered to the Secretary of the Senate who was to transfer them to the Librarian of Congress and to the Archivist of the United States. S. Res. 459, an original measure reported by the Committee on August 10, 1988 (S. Rept. 100-471) provided that authorization, so that those recordings might be suitably stored and made available to the general public. It also reduced from 90 calendar days to 30 session days the period during which the Sergeant at Arms of the Senate was to hold such recordings at the Senate recording Studio for the use of Members before they were transferred to the depositories and made accessible to the public.

Following approval of S. Res. 459 by the Senate on September 14, 1988, the Committee adopted regulations, effective the same date, to implement the provisions of S. Res. 28 (99th Congress), as amended by S. Res. 431 and S. Res. 459. The regulations ("Regulations and Procedures Pertaining to Video Recordings of Senate Floor Proceedings") provide that the Library and Archives must (1) require any person (including Members), except news organizations, who obtains a copy to sign an agreement not to use the copy for political campaign purposes; (2) save such agreements for two years; and (3) make the agreements available to this Committee or to the Secretary of the Senate upon request.

The regulations also provide that the recordings will remain the property of the Senate and that they will be held by the Library and Archives in accordance with an agreement entered into with the Senate and approved by this Committee. Such an agreement (dated February 7, 1989) was entered into by and among the Library of Congress, the National Archives and Records Administration, and the United States Senate to further implement the resolutions and the regulations.

OVERSIGHT OF THE LIBRARY OF CONGRESS

The Committee met on July 14, 1987 to consider the nomination of Dr. James H. Billington to be the thirteenth Librarian of Congress (S. Hrg. 100-808), and on July 23rd reported the nomination with the recommendation that he be confirmed. In addition, during the 100th Congress three measures concerning the Library of Congress were reported out of the Committee on Rules and Administration and were enacted into law. They were:

S. 1020, introduced by Messrs. Moynihan and Hatfield, to create the office of Librarian of Congress Emeritus. The bill was reported to the Senate May 8, 1987 (S. Rept. 100-54), passed in the Senate May 12; passed in the House with an amendment in the nature of a substitute July 21; and was signed into law August 4, 1987 (Pub. L. 100-83).

H.R. 2249, to change the title of employees designated by the Librarian of Congress for police duty to make their rank structure

and pay the same as for Capitol Police. H.R. 2249 passed the House on July 21, and was referred to this Committee on July 22, 1987. The Committee ordered it favorably reported without amendment (S. Rept. 100-171); it passed in the Senate September 30 and was signed into law October 16, 1987 (Public Law 100-135).

H.J. Res. 309, to establish the Speaker's Civic Achievement Awards Program, to be administered under the Librarian of Congress, to recognize achievement in civil literacy by students, classes, and schools throughout the nation in grades 5 through 8. The measure was referred to this Committee on July 23, and considered at its business meeting on September 23, 1987, at which it was ordered favorably reported with amendments (S. Rept. 100-172). It was agreed to in the Senate October 1; the House concurred October 27; and it was signed into law November 9, 1987 (Public Law 100-158). The program will be administered by the Close Up Foundation under the direction of the Librarian of Congress and a National Advisory Committee set up by the joint resolution.

OVERSIGHT OF THE SMITHSONIAN INSTITUTION

The Committee considered the following measures concerning the Smithsonian Institution:

S. 1722, the National American Indian Museum and Memorial Act, by Mr. Inouye, was referred jointly to the Committees on Rules and Administration and Indian Affairs. Joint hearings were held November 12 and 18, 1987. The measure was jointly reported with an amendment in the nature of a substitute and an amendment to the title on August 25, 1988 (S. Rept. 100-494).

As reported, the measure provided for the establishment of the National Museum of the American Indian as a Federally chartered institution to be administered and operated by the Smithsonian Institution on the National Mall in Washington, D.C. This museum would be affiliated with the Heye Foundation collection in New York. The Smithsonian Institution opposed the substitute amendment, and as a result Mr. Inouye announced at the Committee markup on April 19, 1988, that he would not seek Senate action until the concerns expressed by the Smithsonian Institution had been addressed.

The Indian Affairs Committee continued to negotiate with the parties to try to resolve the problems, but no further action was taken by the Senate during the 100th Congress.

S. 1790, by Mr. Garn, was referred to the Committee on October 15, 1987. This bill proposed to authorize the Smithsonian Institution to plan, design, and construct facilities for the National Air and Space Museum at Washington Dulles International Airport and to appropriate to the Smithsonian Institution a total of \$1,000,000 for fiscal years 1988 and 1989 for master planning activities. It also stipulated that no Federal funds were authorized for the construction of any facilities.

On April 19, 1988, the Committee met to consider *S. 1790*. The Air and Space Museum, it was noted, has a higher attendance than any other museum in the country, and not enough room to properly display other aircraft and aviation and space items that are or will be part of the museum's collection.

The Baltimore-Washington International Airport was considered as a possible site for the proposed expansion. It was noted that the Board of Regents of the Smithsonian Institution favored Dulles, and that NASA and the Smithsonian had already invested in Dulles in connection with the Space Shuttle Enterprise. The Committee decided to support a Dulles site and reported the measure favorably without amendment May 10, 1988 (S. Rept. 100-332). No further action was taken in the Senate.

MEMORIALS IN THE DISTRICT OF COLUMBIA

Measures to authorize the erection of monuments in the District of Columbia to the memory of two individuals were referred to the Committee on Rules and Administration.

Memorial to Martin Luther King, Jr.

S. 322, to authorize the Alpha Phi Alpha Fraternity, the oldest black fraternity in the United States, to establish, without cost to the federal government, a memorial to the late Martin Luther King, Jr., in the District of Columbia, was reported favorably with an amendment in the nature of a substitute on September 24, 1987 (S. Rept. 100-168).

As originally introduced, the bill would have exempted itself from any other provision of law. It would have created, for this memorial, an exception to Public Law 99-652 (40 U.S.C. 1001 et seq.) approved November 14, 1986, which, in order to conserve the limited space available in the District of Columbia and environs, established conditions and criteria for future memorials. The substitute amendment removed the exemptive language and made S. 322 fully subject to the provisions of Public Law 99-652.

The measure passed in the Senate with an amendment on September 30, and on October 5, 1987 was referred to the House Committee on House Administration.

Memorial to Mahatma Gandhi in the District of Columbia

On August 4, 1988, the Committee conducted a hearing on S. 1766, to authorize the Indian American Forum for Political Education to Establish a Memorial to Mahatma Gandhi in the District of Columbia at no cost to the United States. Mr. Sarbanes, the sponsor of the bill, and a representative from the Indian American Forum testified in favor of the proposed memorial.

At a markup session of the Committee on September 20, 1988, written testimony from the National Capital Planning Commission was considered. It was their position, as well as that of the National Capital Memorial Commission, that the memorial would be inappropriate under the Commemorative Works Act, which does not specify criteria for memorializing international figures who are not U.S. citizens. The Commission expressed concern that "a memorial to a citizen of another country whose historical role apparently fails to meet the criteria of the Commemorate Works Act may create a precedent resulting in a proliferation of similar memorials for international figures, noteworthy for their international but not necessarily U.S. related national achievements."

The Committee decided at the September 20th meeting to postpone any action so as to have time to pursue the Commission's objection to the memorial. No further action was taken in the 100th Congress.

COMMITTEE PUBLICATIONS

- A Handbook for the Senator-Elect—1988
 - S. Prt. 100-135, 100th Congress, 2d Session, Nov. 1988
- Congressional Handbook, Senate Edition—1987
 - S. Doc. 100-2, 100th Congress, 1st Session, Jan. 1987
- Congressional Handbook, Senate Edition—1988
 - S. Doc. 100-70, 100th Congress, 2d Session, Jan. 1988
- Expenditure Authorizations and Requirements for Senate Committees
 - S. Prt. 100-66, 100th Congress, 1st Session, Dec. 1987
- Expenditure Authorizations and Requirements for Senate Committees
 - S. Prt. 100-138, 100th Congress, 2d Session, Nov. 1988
- Legislative Calendar of the Committee on Rules and Administration
 - Final Calendar, 99th Congress, S. Prt. 99-223 (published Aug. 1987)
 - Legislative Calendar of the Committee on Rules and Administration
 - 1st Session Calendar, 100th Congress, S. Prt. 100-98, Apr. 1988
- Legislative Review of the 99th Congress
 - S. Rept. 100-22, 100th Congress, 1st Session, March 1987
- Majority and Minority Leaders of the Senate
 - S. Doc. 100-29, 100th Congress, 2d Session, March 1988
- Nomination and Election of the President—1988
 - S. Doc. 100-24, 100th Congress, 2d Session, Jan. 1988
- Procedure for the Impeachment Trial of U.S. District Court Judge Alcee L. Hastings in the United States Senate
 - S. Rept. 100-542, 100th Congress, 2d Session, Sept. 1988
- Proceedings of the United States Senate in the Impeachment Trial of Harry E. Claiborne, a Judge of the U.S. District Court for the District of Nevada
 - S. Doc. 99-48, 99th Congress, 2d Session (published May 1987)
- Report on Senate Operations
 - S. Prt. 100-129, 100th Congress, 2d Session, Sept. 1988
- Report on Senate Operations—Appendix
 - S. Prt. 100-141, 100th Congress, 2d Session, Sept. 1988
- Rules and Manual, United States Senate—1987
 - S. Doc. 100-1, 100th Congress, 2d Session, July 1988
- Senate Election Law Guidebook—1988
 - S. Doc. 100-25, 100th Congress, 2d Session, Jan. 1988
- Standing Rules of the Senate and Congressional Budget and Impoundment Control Act of 1974, as Amended
 - S. Doc. 100-4, 100th Congress, 1st Session, March 1987
- Standing Rules of the Senate
 - S. Doc. 100-33, 100th Congress, 2d Session, May 1988

United States Senate (information folder and seating chart)
S. Pub. 100-4, 100th Congress, 1st Session

HEARINGS

Feasibility of Captioning of Television Broadcasts from the
Senate Chamber

S. Hrg. 100-336, 100th Congress, 1st Session

National American Indian Museum Act

S. Hrg. 100-547, Parts 1 and 2, 100th Congress, 2d Session
(joint hearing with the Selection Committee on Indian Affairs)

Nomination of James H. Billington to be Librarian of Congress

S. Hrg. 100-808, 100th Congress, 1st Session, Oct. 1988

Oversight on the Operations and Functions of the Office of the
Sergeant at Arms of the United States Senate

S. Hrg. 99-1069, 99th Congress, 2d Session (published April
1987)

Senate Campaign Finance Proposals of 1987

S. Hrg. 100-127, 100th Congress, 1st Session, Aug. 1987

